

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH L. OLLIE

Plaintiff,

V

TPR. JAMES G. BROWN

in his official and individual capacities

Defendant.

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Civil Action No. 12-67 ERIE

ORDER OF COURT DENYING PLAINTIFF'S NOTICE OF APPEAL (DOC. NO. 62)

Presently before the Court is *pro se* Plaintiff's Notice of Appeal in which Plaintiff objects to United State Magistrate Judge Baxter's Order denying Plaintiff's Motion for Default Judgment. Doc. No. 62, 08/08/2013 Text Order. On August 7, 2013, Plaintiff moved for default judgment against Defendant Brown. Doc. No. 61. Judge Baxter denied said Motion because Defendant Brown had responded to Plaintiff's Complaint by filing a Motion to Dismiss. Doc. No. 48, 08/08/2013 Text Order. Default judgment would be improper in light of Defendant Brown's responsive pleading. Therefore, Plaintiff's Notice of Appeal (Doc. No. 62) is **DENIED**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

JOSEPH L. OLLIE
33453068
2240 HUBARD ROAD
YOUNGSTOWN, OH 44505
PRO SE